

UNITED STATES DISTRICT COURT

for the  
Western District of North Carolina  
Charlotte Division

JOANN JAMES

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Brian Novichan (CEO)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

MAIN Defendant

Case No. 3:18cv316

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No

RECEIVED  
CHARLOTTE, NC

JUN 19 2018

Clerk, US District Court  
Western District of NC

COMPLAINT FOR A CIVIL CASE ALLEGING THAT THE  
DEFENDANT OWES PLAINTIFF A SUM OF MONEY  
(28 U.S.C. § 1332; Diversity of Citizenship)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Brian Novichan (CEO)  
100 West Trade Street  
Charlotte  
N.C. 28202  
NCWD.USCOURTS.GOV

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

### A. The Plaintiff(s)

1. If the plaintiff is an individual

The plaintiff, (name) JOANN James, is a citizen of the  
State of (name) NORTH CAROLINA

2. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

### B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) Brian Moyihan (CEO), is a citizen of  
the State of (name) NORTH CAROLINA. Or is a citizen of  
(foreign nation) \_\_\_\_\_.

2. If the defendant is a corporation

The defendant, (name) Brian Moyihan (CEO), is incorporated under  
the laws of the State of (name) NORTH CAROLINA, and has its  
principal place of business in the State of (name) BANK OF AMERICA.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

### C. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$14,945.02 Plus 3 yrs. interest.

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The defendant, (name) Brian Mayihart (co), owes the plaintiff (specify the amount) \$ \$14,945.02, because (use one or more of the following, as appropriate): plus 3 yrs interest.

#### A. On a Promissory Note

On (date) N/A, the defendant signed and delivered a note promising to pay the plaintiff on (date) N/A the sum of (specify the amount) \$ N/A with interest at the rate of (specify the amount) N/A percent. The defendant has not paid the amount due and owes (state the amount of unpaid principal and interest) \$ N/A. A copy of the note is attached as an exhibit or is summarized below. (Attach the note or summarize what the document says.)

Didn't get one or has not received one.

#### B. On an Account Between the Parties

The defendant owes the plaintiff (specify the amount) \$ 14,945.02 plus 3 yrs. interest. This debt arises from an account between the parties, based on (state the basis, such as an agreement between a credit-card company and a credit-card holder)

The plaintiff sent the defendant a statement of the account listing the transactions over a certain period and showing the bills sent, the payments received or credits approved, and the balance due. The defendant owes (specify the amount) \$ N/A. Copies of the bills or account statements are attached as exhibits or summarized below. (Attach the statements or summarize what they say.)

**C. For Goods Sold and Delivered**

The defendant owes the plaintiff (specify the amount) \$ N/A, for goods sold and delivered by the plaintiff to the defendant from (date) N/A to (date) N/A.

**D. For Money Loaned**

The defendant owes the plaintiff (specify the amount) \$ N/A, for money the plaintiff loaned the defendant on (date) N/A.

**E. For Money Paid by Mistake**

The defendant owes the plaintiff (specify the amount) \$ N/A for money paid by mistake to the defendant on (date) N/A, when the defendant received the payment from (specify who paid and describe the circumstances of the payment)

**F. For Money Had and Received**

The defendant was paid money (specify the amount) \$ NO on (date) NO by (identify who paid and describe the circumstances of the payment)

NO body Paid The plaintiff  
NO Thing.

It is unjust for the defendant not to pay the plaintiff the money received because (explain the reason, such as that the money was intended to be paid to the plaintiff, or was paid by coercion, duress, or fraud, or was an overpayment or a deposit to be returned)

OVERPAYMENT OF mortgage  
That should have been Returned  
When The House was Taken Away From  
JOHN JAMES + Sold.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

V.

**Certification and Closing**

ALL I WANT IS MY \$14,945.02  
Breast Cancer money BACK because it  
WAS NOT MENT TO BE KEPT.

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

6-15-2018

Signature of Plaintiff

Printed Name of Plaintiff

Jo Ann James  
JO ANN JAMES

**B. For Attorneys**

Date of signing:

N/A

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

N/A  
N/A  
N/A  
N/A  
N/A  
N/A  
N/A  
N/A